

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

CHARLES PRICE PRESTON,
Plaintiff,

v.

5:23-cv-1769-CLM-GMB

**ALABAMA DEPARTMENT OF
CORRECTIONS,**
Defendant.

MEMORANDUM OPINION

Charles Price Preston, who is proceeding pro se, brings this case under 42 U.S.C. § 1983. (Doc. 1). On January 23, 2024, the court granted Preston's application to proceed in forma pauperis and ordered him to return a signed copy of the Prisoner Consent Form attached to the order within 30 days. (Doc. 5).


Preston timely returned his Prisoner Consent Form (doc. 6), but he did not remit the initial partial filing fee, and so on February 14, 2024, the magistrate judge ordered him to remit the fee or provide a sworn statement describing his attempts to ensure the fee was paid (doc. 7). Preston sought, and was granted, a 30-day extension to comply with that order (docs. 8, 9), but to date, the court has not received the initial partial filing fee or any other communication from Preston.

The magistrate judge has entered a report, recommending the court dismiss this case without prejudice under Rule 41(b) of the *Federal Rules of Civil Procedure* for failure to prosecute. (Doc. 10). Though the magistrate judge advised Preston of his right to file written objections to the report and recommendation, the court hasn't received any objections or response from Preston.

After considering the record in this case and the magistrate judge's report, the court **ADOPTS** the report (doc. 10) and **ACCEPTS** the recommendation. Consistent with that recommendation, the court will dismiss this case without prejudice because Preston failed to prosecute his claims. *See* Fed. R. Civ. P. 41(b).

The court will enter a separate final judgment that closes this case.

Done on June 17, 2024.



COREY L. MAZE
UNITED STATES DISTRICT JUDGE